

**In the United States Patent and Trademark Office**

Serial Number: 09/928,325  
Appn. Filed: 08/13/2001  
Applicant: Stephen Paul Denis  
Appn. Title: Means and a Method for Protecting Deglet Noor Dates  
Examiner/GAU: Jane J. Rhee/1772

Mailed: February 27, 2003  
At: Indio, California

**Version with Markings to Show Changes Made**

Assistant Commissioner for Patents  
Washington, District of Columbia 20231

Dear Sir or Madam:

In response to the Notice of Non-Compliant Amendment (37 CFR 1.121) mailed 01/28/2003, I hereby supply a marked-up version of the replacement paragraph and the amended claims:

**Specification:**

Page 3, paragraph 13:

13 Conversely, U.S. Pat. No. 5,535,543, "Means and a Method for Thermally Protecting Fruits and Vegetables While Maturing", is directed to a bag that allows water to only seep through. Nowhere in the patent is the material described as mesh. [The globular shape and elasticized opening are of no value for protecting dates.] [The main function of the invention is the opposite of what is required of a date-bunch cover: Insulation is measured by "R" factor, a unit of resistance of motionless air; thermally insulating fruit involves protecting it from contact with outside cold air and wind which cause its internal heat and moisture to dissipate.] The main function of the invention is the opposite of what is required of a date-bunch cover. Thermally insulating fruit involves protecting it from contact with cold air that injures its cells. A bunch of 900 full-grown dates at

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temperatures between 70° and 122° F must lose several cups of water everyday in the form of water vapor from the stomata of the fruit during ripening. Thermally insulating a date bunch, when free circulation of air is vital, would certainly ruin the fruit.

**Claims:**

I claim:

[1. (amended) A cover for protecting Deglet Noor dates from birds, rain, insects, wind, and sunburn while on the palm, which comprises:

- (a) said cover being in the shape of a bag;
- (b) said cover being of ample size to enclose a bunch;
- (c) said bag composed of a flexible fabric which allows free circulation of air throughout the fruit cluster, yet excludes insects and birds, provides a windbreak, and partially shades said bunch;
- (d) said fabric made of water-repellant, UV resistant fiber; and
- (e) means for anchoring the top of said bag to the fruitstalk of said bunch.]

2. (amended) The cover of [claim 1] claim 7 wherein said fabric is white, woven, open-mesh polyester having a weight of about 86 to 113 grams per square meter (2.5 to 3.3 ounces per square yard).

3. (amended) The cover of [claim 1] claim 7 wherein said fabric has a cloth count of approximately 13 warps by 10 fills per square centimeter (32 warps by 26 fills per square inch).

[5. A method for protecting Deglet Noor dates from birds, rain, insects, wind, and sunburn, while on the palm, which comprises the steps of:

- (a) providing a cover for said dates, said cover being in the shape of a bag, said bag being of ample size to enclose a bunch and composed of a flexible fabric which allows free circulation of air throughout the fruit cluster, yet excludes insects and birds, provides a windbreak, and partially shades the bunch, said fabric being made of water-repellant, UV resistant fiber;
- (b) slipping said bag over the bunch;
- (c) wrapping the upper portion of said bag in a spiraling fashion to form concentric

overlapping layers around the upper portion of said bunch, whereby a hood is formed, such that the upper portion of said bunch is shaded, and said fruit cluster is protected from rain; and

- (d) providing means for anchoring the top of said bag in a tightly closed condition around the bottom of the fruitstalk, so as to completely enclose said bunch.]

[6. (amended) A method for protecting for Deglet Noor dates from birds, rain, insects, wind, and sunburn, while on the palm, which comprises the steps of:

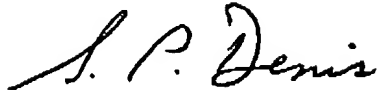
- (a) providing a cover for said dates, said cover being in the shape of a bag, said bag being of ample size to enclose a bunch and composed of a flexible fabric which allows free circulation of air throughout the fruit cluster, yet excludes insects and birds, provides a wind break, and partially shades said bunch, said fabric being made of water-repellant, UV resistant fiber;
- (b) slipping said bag over the bunch;
- (d) puckering the middle portion of said bag around the bottom of the fruitstalk;
- (e) providing means for anchoring approximately the middle of said bag in a tightly closed condition around the bottom of said fruitstalk, so as to completely enclose said bunch; and
- (f) folding down and over the top of said bunch the portion of said bag protruding above where said bag is anchored to said fruitstalk, so as to form an umbrella-like structure, such that the upper portion of said bunch is shaded, and said fruit cluster is protected from rain.]

7. A cover for protecting Deglet Noor dates from birds, rain, insects, wind, and sunburn while on the palm, which comprises:

- (a) said cover being a bag substantially oblong in shape;
- (b) said cover being of ample size to enclose a bunch;
- (c) said bag composed of a flexible open-mesh fabric which allows free circulation of air throughout the fruit cluster, yet excludes insects and birds, provides a windbreak, and partially shades said bunch;
- (d) said fabric made of water-repellant, UV resistant fiber; and
- (e) means for anchoring the top of said bag to the fruitstalk of said bunch.

\* \* \* \* \*

Very respectfully,

A handwritten signature in cursive script that reads "S. P. Denis".

Stephen Paul Denis, Applicant Pro Se

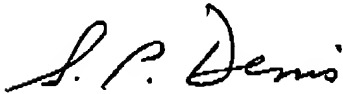
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7. A cover for protecting Deglet Noor dates from birds, rain, insects, wind, and sunburn while on the palm, which comprises:

- (a) [said cover being] a bag substantially oblong in shape;
- (b) said [cover] bag being of ample size to enclose a bunch;
- (c) said bag composed of a flexible open-mesh fabric which allows free circulation of air throughout the fruit cluster, yet excludes insects and birds, provides a windbreak, and partially shades said bunch;
- (d) said fabric made of water-repellant, UV resistant fiber; and
- (e) means for anchoring the top of said bag to the fruitstalk of said bunch.

\* \* \* \* \*

Very respectfully,



Stephen Paul Denis, Applicant Pro Se